Remarks

This is in response to the Final Office Action mailed on November 12, 2008. The Office Action rejected Claims 1-4, 8-9, 11-23 and 25-39 were rejected under 35 USC 112, first paragraph as failing to comply with the written description requirement. Claims 1, 3-4 and 6 were rejected under 35 USC 103(a) as obvious in light of U.S. Patents 6,473,860 ("Chan") and 5,654,746 ("McMullen") and U.S. Published Patent Application 2001/0042043 ("Shear"). Claim 2 is rejected as obvious in light of Chan, McMullen, Shear, and U.S. Patent 5,845,067 ("Porter"). Claims 8 and 9 are rejected as obvious in light of Chan and Shear. Claims 11-22 are rejected as obvious in light of Chan, Shear, and U.S. Patent 6,237,786 ("Ginter"). Claim 23 is rejected as obvious in view of Chan, Shear and U.S. Patent 5,951,620 ("Ahrens"). Claims 25-38 are rejected as obvious in light of Chan, McMullan, Shear and Ginter. Claim 39 is rejected as obvious in light of Chan, McMullan, Shear and Ahrens.

Applicant respectfully requests the Examiner to reconsider the present application. Applicant submits that all pending claims are in condition for allowance.

35 USC 112 rejections

The Examiner indicated that the claim elements added in the amendment filed on August 7, 2008 of "said combined product does not include any protection information to limit use of said combined product by the computer platform" of independent Claim 1 and "and said combined product does not include any protection information to limit use of said combined product" of independent Claim 8 do not have support in the specification. As stated in the Office Action. "If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. See In re Johnson, 558 F.2d 1008, 10018, 194 USPQ 187, 196 (CCPA 1977)." (see Final Office Action: page 2). Applicant respectfully points out in the following paragraph that the above-recited excluded elements of Claims 1 and 8 are positively recited in the specification. Thus, the pending claims comply with the written description requirement.

Page 32, lines 13-22 discloses a process for securing the data product including protection information to limit the use of the data product. For convenience, page 32, lines 19-22 of this disclosure is recited:

> At the receiving end, such as a navigation system 16, the process may then involve (iv) using the authorization parameters to validate and/or facilitate access to the database, (v) using the

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decryption key to decrypt the encrypted critical portion, and then (vi) using the critical portion to facilitate access to the data portion of the database.

Additionally, page 34, line 1 through page 35, line 11 of the specification describes the protection information in greater detail. For convenience, page 35, lines 1-6 of this disclosure is recited:

> 4.   ACCESS LIMITATIONS. These parameters may include (i) a data range during which the database and/or a specific option is authorized to be used and (ii) a count of the number of times the database and/or option is authorized to be accessed.

Thus, the alternative elements ("protection information to limit use of said combined product") are positively recited in the specification. Therefore, the alternative element may be explicitly excluded in the claims. For at least these reasons, Applicant respectfully points out that the pending claims comply with the written description requirement.

35 USC 103 rejections

Applicant had amended independent Claims 1 and 8 to further clarify that the combined product is not cryptographically secured on the computer-readable storage medium and the combined product does not include any protection information to limit use of the combined product. Independent Claims 1 and 8 are not obvious in view of the cited combinations of references because the references fail to disclose or suggest this claim element.

The Office Action on page 2 indicated that Shear taught the prior claim element of "wherein said combined product is not cryptographically secured on the computer-readable storage medium" because Shear taught that the embodiments disclosed permit securing of the data by using a number of techniques which included cryptographic and/or protection information that is stored on the DVD. (see Shear: paragraph 283). Additionally, the Office Action cited that Shear mentioned that keeping technical/security features minimal is preferable in certain embodiments in order to minimize cost and complexity of these items that are mass produced for customers. (see Shear: paragraph 278). Applicant respectfully points out that Shear teaches including cryptographic and/or protection information on the DVD; that is, either cryptographic or protection information or both. Shear clearly teaches away from the recited claim element of the combined product is not cryptographically secured and does not include any protection information to limit use of the combined product. Although Shear indicates that in

some embodiments it is preferable to keep the security features minimal, Shear never indicates that the DVD should include no security features. In fact, the entire purpose of Shear is to provide information protection techniques on DVDs. Removing such cryptography and protection information would destroy the intended purpose of Shear.
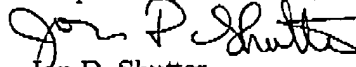
Additionally, Chan specifically teaches away from storing the combined digital content and allowing the user to access the digital content away from the secure processor. Chan specifically teaches including analog copy protection in the video interface to prevent the analog output video from being copied. (See, Chan: column 11, lines 46 through 56.) In Claims 1 and 8, the security process is completed before the data product is written to the portable computer-readable medium. Thus, the end user no longer needs to decrypt the combined product or deal with protection information to limit use of the combined product. Chan and Shear in fact teach away from this as they both impose further security measures on the data product stored on the medium. Thus, Claims 1 and 8 are patentable over the cited art because the cited references, separately or in combination, do not teach a method for securely delivering a data product that is then usable without further decryption or security routines for protection information by the user.

All currently pending dependent claims are patentable for at least the same reasons as given above for the independent claims.

Conclusion

With the present response, all the issues in the Final Office Action mailed November 12, 2008 have been addressed. Applicant submits that the present application has been placed in condition for allowance. If any issues remain, the Examiner is requested to call the undersigned at the telephone number indicated below.

Respectfully submitted,

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